

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KATHLEEN WILER,)	
)	
Plaintiff,)	
)	CASE NO. 5:20-cv-00490
v.)	
)	
KENT STATE UNIVERSITY)	JUDGE J. PHILIP CALABRESE
)	
Defendants.)	
)	

JOINT STATUS REPORT

Plaintiff, Kathleen Wiler (“Wiler”), and Defendant, Kent State University (“Kent State” or the “University”), by and through undersigned counsel, respectfully submit this Joint Status Report pursuant to the Court’s non-document Order of November 16, 2022.

(1) Anticipated Witnesses and Length of Trial: The Parties have conferred regarding the witnesses they reasonably anticipate calling during their respective cases in chief. At this time, Plaintiff anticipates calling the following trial witnesses:

Witness	Anticipated Length of Testimony
Kathleen Wiler	½ to one full day
John Wiler	1/3 day or less.
Joel Nielsen ¹	½ to one full day
Jim Andrassy	½ day or less

¹ As discussed with the Court during the November 15, 2022 status conference, the Parties anticipate preserving Mr. Nielsen’s testimony by way of video deposition. This is necessitated by Mr. Nielsen’s out-of-state residence. Upon completion of Mr. Nielsen’s trial deposition, the Parties will have the benefit of knowing exactly how long Mr. Nielsen’s testimony will be and will factor this into any future discussions with the Court regarding trial planning and logistics.

Rob Marinaro	½ day or less
Eric Oakley	½ day or less
Current University Athletic Director and EEO/Title IX department head	½ day

For its part, the University anticipates calling the following witnesses:

Witness	Anticipated Length of Testimony
Kathleen Wiler	½ to one full day
Joel Nielsen	½ to one full day
Jim Andrassy	½ day or less
Rob Marinaro	½ day or less
Eric Oakley	½ day or less
Amy Densevich	½ day or less

While the Parties have cooperated in good faith to identify all of their respective trial witnesses for purposes of this status report, they reserve the right to modify or supplement these lists consistent with the applicable provisions of the Federal Rules of Civil Procedure, the Local Rules of the U.S. District Court for the Northern District of Ohio, the Court's Standing Civil Order of Procedures, and the Court's Standing Civil Trial Order.

In view of the substantial overlap between the witnesses that the Parties anticipate calling during their respective cases, the Parties believe that times estimated above can be shortened considerably during trial. For example, and in the event Plaintiff calls one or more individuals who are also identified as Defendant's witnesses as if on cross-examination during Plaintiff's case-in-chief, Defendant may (to the extent allowed by the Court) seek to present that witness's direct testimony upon the completion of Plaintiff's examination, so as to avoid re-calling the

same witness during Defendant's case-in-chief. Additionally, and in the event Plaintiff Kathleen Wiler testifies on direct examination during her case-in-chief, the University would cross-examine her immediately following her direct testimony and would not anticipate re-calling her during its case-in-chief.

The Parties therefore submit that trial in this case will take no more than **seven (7) days**.

(2) Scheduling Conflicts: The Parties wish to advise the Court of the following dates on which their lead counsel of record have pre-existing conflicts with trials already scheduled in other cases, conferences, and/or previously planned vacations:

March 6-10, 2023
March 15, 2023
April 5-21, 2023
June 1-3, 2023
June 12-23, 2023
June 26-July 1, 2023
July 24-August 9, 2023
August 15-25, 2023
August 28-September 1, 2023
September 5-26, 2023
September 25-October 6, 2023
October 9-13, 2023
October 17-20, 2023
October 23-November 1, 2023
November 13-28, 2023

The Parties respectfully request that the Court consider these conflicts when setting the trial date.

Dated: November 30, 2022

Respectfully submitted,

DAVID A. YOST (0056290)
Attorney General of Ohio

/s/ Daniel J. Rudary

Daniel J. Rudary (0090482)
BRENNAN, MANNA & DIAMOND, LLC
75 E. Market Street
Akron, OH 44308
Phone: (330) 253-5060
Fax: (330) 253-1977
E-mail: djrudary@bmdllc.com

Special Counsel for Defendant Kent State University

NEWKIRK ZWAGERMAN, P.L.C

/s/ Thomas Newkirk (with consent)

Thomas A. Newkirk, *Pro Hac Vice* AT0005791
tnewkirk@newkirklaw.com
Danya Keller, *Pro Hac Vice* AT0012300
dkeller@newkirklaw.com
521 E. Locust Street, Suite 300
Des Moines, IA 50309
Tel: (515) 883-2000
Fax: (515) 883-2004

/s/ Caryn Groedel (with consent)

Caryn M. Groedel, Esq. (0060131)
Law Office of Caryn M. Groedel & Associates Co.,
LPA
31340 Solon Road, Ste. 27
Cleveland, Solon, OH 44139
cgroedel@groedel-law.com

Counsel for Plaintiff Kathleen Wiler

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of November, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel J. Rudary
*Special Counsel for Defendant Kent State
University*